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September 19, 2014

**By Certified Mail, Return
Receipt Requested**

Daniel Reich
U.S. EPA Region IX
75 Hawthorne Street
ORC-2
San Francisco, California 94105

Kathleen H. Johnson
Director, Enforcement Division
U.S. Environmental Protection Agency
Attn: Debbie Lowe Liang (ENF-2-1)
75 Hawthorne Street
San Francisco, California 94105

Re: U.S. EPA Region IX Clean Air Act Information Request

Dear Mr. Reich and Ms. Johnson:

I write to transmit Wal-Mart Transportation, LLC's ("Walmart") responses to requests 1-11 of the information request it received on June 21, 2014, from the U.S. Environmental Protection Agency ("EPA"), Region IX, under Section 114 of the Clean Air Act, 42 U.S.C. § 7414 ("Section 114 Information Request"). Pursuant to Mr. Reich's email, dated July 17, 2014, Region IX granted Walmart an extension until September 19, 2014, to respond to requests 1 through 11 of the Section 114 Information Request. With this submission, Walmart's response to requests 1-11 is timely made.

On August 5, 2014, Walmart submitted its response to requests 14-15 of the Section 114 Information Request. Walmart submitted a supplemental response to requests 14-15, for the reasons stated in my transmittal letter, on September 10, 2014. Walmart submitted its response to requests 12-13 on August 29, 2014. This submission, pertaining to requests 1-11, is Walmart's final submission in response to the Section 114 Information Request, pursuant to the agreed-upon schedule.

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Walmart interposes the following general objections and qualifications to the Section 114 Information Request.

First, Walmart objects to the Section 114 Information Request (including its instructions and definitions) to the extent it is vague, ambiguous, unduly burdensome, duplicative, premature, oppressive, and/or overbroad, including, without limitation, as to subject matter and/or time period, where compliance with specific requests would be unreasonably difficult as well as prohibitively expensive or time-consuming, and where the request is beyond the scope of EPA Region IX's authority to request information pursuant to Section 114 of the Clean Air Act, 42 U.S.C. § 7414, including, but not limited to, request 10.

Second, Walmart objects to the Section 114 Information Request (including the instructions and definitions) to the extent it seeks information or documents not within Walmart's possession, custody, or control. All responses are made on behalf of Walmart, and are limited to information and documents within Walmart's possession, custody, or control.

Third, Walmart's response is made without waiving, in any manner, Walmart's right to object to the use of any information or documents provided in response to these requests at any trial, evidentiary hearing, or other proceeding, on grounds of privilege, relevance, materiality, authenticity, hearsay, or any other ground permitted by any applicable law or rule.

Fourth, Walmart objects to the Section 114 Information Request (including the instructions and definitions) to the extent it seeks information or documents protected by the attorney-client privilege, the work product doctrine, the joint defense or common interest privilege, or any other applicable privilege, exemption, or immunity.

Fifth, Walmart objects to the Section 114 Information Request (including its instructions and definitions) to the extent it seeks or requires Walmart to compile and/or summarize information and data in a manner that is not maintained by Walmart in the ordinary course of business, including, but not limited to, requests 1, 3, 7, 8, 10, and 11, and to transpose such information and data into a format that is not maintained by Walmart in the ordinary course of business.

Sixth, Walmart objects to the Section 114 Information Request to the extent that it purports to require Walmart to certify its response as specified in Enclosure 2. *See* Section 114 Information Request at 6. *See also* Enclosure 2 to the Section 114 Information Request. Walmart will certify its response subject to its qualifications and objections set forth in this letter. Additionally, Walmart has undertaken a good faith effort to conduct a reasonable search of non-privileged documents of the files and records of those individuals likely to have meaningful information responsive to the Section 114 Information Request as maintained in the ordinary

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course of business, and/or to apply a reasonable set of search terms to available collections of electronically stored information as maintained in the ordinary course of business reasonably likely to yield meaningful information responsive to a request. Walmart is not offering or promising to search for every document or piece of information that may exist in the possession, custody, or control of Walmart where any such items are not included within the results of a reasonable search as described above. Nor can Walmart certify that all of the information it was required to populate in the "TRUCKINFO.xlsx" spreadsheet was transposed as that information exists in the data management systems that Walmart maintains in the ordinary course of business.

Seventh, Walmart reserves the right to modify, amend, or supplement its responses to request 1-11, which are made based on the current status of its knowledge, understanding, belief, and searches, for information and documents. This response is not intended as an admission or a representation that additional information or documents do not exist.

Accordingly, notwithstanding the foregoing, and without waiving any of the foregoing qualifications and objections, Walmart submits the following response to requests 1-11 to the Section 114 Information Request. Certifications made by company representatives for responses 1-11 are enclosed with this letter, identified as Walmart-EPA114IR-09192014-0001 and Walmart-EPA114IR-09192014-0002.

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Wal-Mart Transportation, LLC's Responses to Request Nos. 1-11

Section 114 Information Request No. 1

For each diesel-fueled vehicle in Wal-Mart Transportation's fleet driven in California at any time from January 1, 2012 to the date of this letter with a Gross Vehicle Weight Rating ("GVWR") greater than 26,000 pounds and an engine model year prior to 2007, provide the following:

- a) state of vehicle registration;
- b) license plate number;
- c) vehicle identification number ("VIN");
- d) engine model year;
- e) engine family; and
- f) assigned vehicle terminal, if applicable

Wal-Mart Transportation, LLC's Response to Request No. 1

In Enclosure 1 to the Section 114 Information Request, EPA Region IX instructed Walmart to provide its response to request 1 in a spreadsheet named "TRUCKINFO.xlsx." While Walmart does not maintain the requested information in the ordinary course of business in the manner EPA has requested, Walmart has prepared the responsive information in the manner requested by Region IX. Accordingly, please see the "Older Fleet" tab in the attached spreadsheet, identified as Walmart-EPA114IR-09192014-0003, columns B-G.

Section 114 Information Request No. 2

For each vehicle identified in response to request 1, is the vehicle equipped with a diesel particulate filter ("DPF")? If the answer to this request is "no", skip requests 3, 4, 5, and 6 below.

Wal-Mart Transportation, LLC's Response to Request No. 2

No, the vehicles identified in response 1 are not equipped with diesel particulate filters. Accordingly, pursuant to EPA's Section 114 Information Request, if the answer to request 2 is "no," Walmart shall "skip requests 3, 4, 5, and 6" of the Section 114 Information Request. Accordingly, columns I-N of the "Older Fleet" tab of the "TRUCKINFO" spreadsheet, identified as Walmart-EPA114IR-09192014-0003, are not populated.

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Section 114 Information Request No. 3

For each vehicle for which the response to request 2 is “yes”, provide the following information about the DPF on the vehicle:

- a) DPF manufacturer;
- b) DPF family name;
- c) DPF serial number;
- d) date of purchase; and
- e) date of installation.

Wal-Mart Transportation, LLC’s Response to Request No. 3

The vehicles identified in response 1 are not equipped with diesel particulate filters. Because the answer to request 2 is “no,” Walmart was instructed to “skip requests 3, 4, 5, and 6” of the Section 114 Information Request. Accordingly, columns I-M of the “Older Fleet” tab of the “TRUCKINFO” spreadsheet, identified as Walmart-EPA114IR-09192014-0003, pertaining to request 3 are not populated.

Section 114 Information Request No. 4

For each vehicle for which the response to request 2 is “yes”, produce a copy of the installation and purchase order documents for each DPF installed.

Wal-Mart Transportation, LLC’s Response to Request No. 4

The vehicles identified in response 1 are not equipped with diesel particulate filters. Because the answer to request 2 is “no,” Walmart was instructed to “skip requests 3, 4, 5, and 6” of the Section 114 Information Request.

Section 114 Information Request No. 5

State whether each vehicle for which the response to request 2 is “yes” has operated continuously with a DPF as it was designed since installation.

Wal-Mart Transportation, LLC’s Response to Request No. 5

The vehicles identified in response 1 are not equipped with diesel particulate filters. Because the answer to request 2 is “no,” Walmart was instructed to “skip requests 3, 4, 5, and 6” of the Section 114 Information Request. Accordingly, column N of the “Older Fleet” tab of the

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“TRUCKINFO” spreadsheet, identified as Walmart-EPA114IR-09192014-0003, pertaining to request 5 is not populated.

Section 114 Information Request No. 6

For each vehicle for which the response to request 5 is “no”, describe the reason(s) it did not operate continuously with a DPF as it was designed since installation and produce a copy any records supporting the reason(s).

Wal-Mart Transportation, LLC’s Response to Request No. 6

The vehicles identified in response 1 are not equipped with diesel particulate filters. Because the answer to request 2 is “no,” Walmart was instructed to “skip requests 3, 4, 5, and 6” of the Section 114 Information Request.

Section 114 Information Request No. 7

For each diesel-fueled vehicle in Wal-Mart Transportation’s fleet driven in California at any time from January 1, 2012 to the date of this letter, that is not equipped with PM BACT; has a GVWR greater than 26,000 pounds; and has an engine model year of 2007, 2008, or 2009, provide the following:

- a) state of vehicle registration;
- b) license plate number;
- c) VIN;
- d) engine model year;
- e) engine family; and
- f) assigned vehicle terminal, if applicable.

Wal-Mart Transportation, LLC’s Response to Request No. 7

Walmart does not have any information responsive to this request. See Enclosure 1, Instruction 2 to the Section 114 Information Request. To the best of Walmart’s knowledge, information, and belief, there were no diesel-fueled vehicles with an engine model year of 2007, 2008, or 2009 in Walmart’s fleet driven in California from January 1, 2012 to June 16, 2014, that were not equipped with “PM BACT,” as that term is defined in footnote 7 of the Section 114 Information Request.

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Section 114 Information Request No. 8

For each vehicle identified in response to request 1 or 7, specify the total miles traveled in California for:

- a) calendar year ("CY") 2012;
- b) CY 2013; and
- c) CY 2014 to the date of this information request.

Wal-Mart Transportation, LLC's Response to Request No. 8

In Enclosure 1 to the Section 114 Information Request, EPA Region IX instructed Walmart to provide its response to request 8 in a spreadsheet named "TRUCKINFO.xlsx." While Walmart does not maintain the requested information in the ordinary course of business in the manner EPA has requested, Walmart has prepared the responsive information in the manner requested by Region IX. Accordingly, please see the "Older Fleet" tab, columns O-Q, in the attached spreadsheet, identified as Walmart-EPA114IR-09192014-0003. The trucks identified in column A, numbers 122-126, are yard trucks. Walmart does not maintain calendar year mileage data for its yard trucks. Accordingly, Walmart does not possess the information that EPA Region IX requested for trucks 122-126.

Section 114 Information Request No. 9

For each vehicle identified in response to request 1 or 7, specify whether the vehicle is a drayage truck.

Wal-Mart Transportation, LLC's Response to Request No. 9

No vehicle identified in response to request 1 is a drayage truck. Accordingly, column R of the "Older Fleet" tab in the attached spreadsheet, identified as Walmart-EPA114IR-09192014-0003, pertaining to request 9 is not populated with information.

Section 114 Information Request No. 10

For each vehicle identified in response to request 1 or 7, provide a copy of fleet mileage summary documents submitted to the International Registration Plan ("IRP") from January 1, 2012 to the date of this letter. These fleet summary documents could include monthly, quarterly, or annual mileage for each vehicle driven in California and other states.

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Wal-Mart Transportation, LLC's Response to Request No. 10

Walmart does not submit "fleet mileage summary documents" as part of its submission of fleet mileage information to the International Registration Plan ("IRP"). The fleet mileage data is submitted annually to the Oklahoma Corporation Commission. Walmart's submission to the Oklahoma Corporation Commission aggregates the annual miles for Walmart's fleet in each state and does not break the data down to individual vehicles. Accordingly, no "fleet mileage summary documents" were submitted to the IRP, at a vehicle level, for the vehicles identified in response to request 1.

Additionally, IRP filers in Oklahoma manually input annual fleet mileage data electronically to the Oklahoma Corporation Commission through its online IRP filing system. Therefore, Walmart does not possess "fleet mileage summary documents submitted to the International Registration Plan (IRP)" as specified in request 10, and accordingly, Walmart does not have documents responsive to this request. *See* Enclosure 1, Instruction 2, to the Section 114 Information Request. The foregoing notwithstanding, Walmart has prepared a table showing the aggregate fleet data for miles traveled by Walmart's fleet in California from the third quarter of 2011 through the second quarter of 2014, identified as Walmart-EPA114IR-09192014-0027.

Section 114 Information Request No. 11

Provide the terminal name, address, telephone number, and contact person for each terminal identified in response to requests 1(f) and 7(5), if any.

Wal-Mart Transportation, LLC's Response to Request No. 11

In Enclosure 1 to the Section 114 Information Request, EPA Region IX instructed Walmart to provide its response to request 11 in a spreadsheet named "TRUCKINFO.xlsx." While Walmart does not maintain the requested information in the ordinary course of business in the manner EPA has requested, Walmart has prepared the responsive information in the manner requested by Region IX. Accordingly, please see the "Terminals" tab in the attached spreadsheet, identified as Walmart-EPA114IR-09192014-0003.

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Please contact me if you have any questions regarding Walmart's responses to requests 1-11 of the Section 114 Information Request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ilana Saltz', with a long horizontal flourish extending to the right.

Ilana Saltzbart

Enclosures and attachments

cc: Elizabeth O'Sullivan, Walmart
Emily Reynolds, Walmart



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Bentonville, AR 72716-0710
Direct 479.204.9334
Main 479.204.8937
www.walmart.com

As directed by the Section 114 Information Request, Walmart is submitting the enclosed response to the U.S. Environmental Protection Agency's ("EPA") request for information, issued pursuant to Section 114(a) of the Clean Air Act, to determine whether the facility is in compliance with the Clean Air Act, including the federally-approved California Truck and Bus Regulation.

I certify that I am fully authorized to provide this information on Walmart's behalf to EPA.

As specified in Enclosure 2 of the Section 114 Information Request, I certify under penalty of law that I have personally examined and am familiar with the statements and information submitted in the enclosed response with regard to responses 1-9, and 11, including all attachments. Subject to the qualifications and objections set forth in the attached letter transmitting Walmart's response to EPA Region IX, based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, correct, accurate and complete. I am aware that there are significant penalties for submitting false statements and information, or omitting required statements and information, including the possibility of fines and imprisonment for knowing violations.

Date:

19 SEP '14

Name (Printed):

Mike McIlroy

Signature:

[Handwritten Signature]

Title:

Vice President

Domestic Tax Department

J. Councill Leak, Vice President - Domestic Tax

805 Moberly Lane
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Bentonville, AR 72712
Phone 479-204-2159
Councill.Leak@wal-mart.com

September 18, 2014

As directed by the Section 114 Information Request, Walmart is submitting the enclosed response to the U.S. Environmental Protection Agency's ("EPA") request for information, issued pursuant to Section 114(a) of the Clean Air Act, to determine whether the facility is in compliance with the Clean Air Act, including the federally-approved California Truck and Bus Regulation.

I certify that I am fully authorized to provide this information on Walmart's behalf to EPA.

As specified in Enclosure 2 of the Section 114 Information Request, I certify under penalty of law that I have personally examined and am familiar with the statements and information submitted in the enclosed response with regard to response 10, including all attachments. Subject to the qualifications and objections set forth in the attached letter transmitting Walmart's response to EPA Region IX, based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, correct, accurate and complete. I am aware that there are significant penalties for submitting false statements and information, or omitting required statements and information, including the possibility of fines and imprisonment for knowing violations.

Date: 9/18/2014

Name (Printed): J. COUNCILL LEAK

Signature: J. Councill Leak

Title: V.P. DOMESTIC TAX